

REMARKS

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In the above-identified Office Action the Examiner has rejected Claim 27 as being anticipated by the British Patent to Parham. As the Examiner states, Parham discloses a herbicide containing an benzotriazole and an oil based spray adjuvant. Applicant has amended Claim 27 so that it now recites that the agricultural spray oil has reduced phytotoxicity, a property completely different from the properties of herbicides. Further, the benzoxazole, benzotriazole, and benzthiazole compounds of the subject invention, have UV deactivation characteristics, while the aryloxy benzotriazole of Parham does not show UV deactivation characteristics and thus cannot be considered an equivalent of such compounds.

Claims 22, 24-26, 31, 33, and 34 have been rejected as being obvious over NL '062. Again, as with the Parham reference, the NL '062 reference deals with a herbicide which desirably has high phytotoxicity result in the killing of crops to which the agricultural oil is sprayed. As a result, NL '062 teaches away from the subject invention. Further, Applicant notes that the teaching of a calcium sulphonate does not teach an overbased calcium sulphonate, which, as described in the specification, Page 3, Lines 20-25, involves an excess amount of metal base in the aqueous micelle. There is no teaching in NL '062 (or any of the prior art of record for that matter) that there should be a excess of metal ion in the micelle.

Claims 22, 24-27, 31, 33-35, 38, 40-42 have been rejected as obvious over the combination of NL '062 and Parham. The Examiner has stated that one with ordinary skill in the art would have been expected to combine the composition of Parham with the composition of NL '062 to form a third composition having all of the claimed ingredients. Again, Applicant notes that neither reference teaches an overbased sulphonate and neither teach an agricultural spray oil having reduced phytotoxicity, both such references being directed to herbicides. Thus, if one combined the two references as proposed by the Examiner, one should end up with a herbicide, with increased toxicity to plants as opposed to reduced phytotoxicity.

Applicant's invention involves the use of UV deactivating compounds which are designed to (1.) mop up any free radical compounds resulting from the breakdown of an agricultural spray oil on a crop in sun light (i.e. the zinc diamyldithio carbamate), (2.) absorb any incident UV radiation falling on the crop to thus prevent oil breakdown (i.e. the benzoxazole benzotriazole or benzthiazole compounds) or (3.) to neutralize any acidic compounds resulting from the breakdown of the agricultural spray oils in the presence of UV radiation (i.e. the overbased sulphonate, phenate and the alkyl-amine compounds).

Neither Parham nor NL '062 are concerned or directed to such an invention. Both of these cited references are concerned with the killing of plant matter and in fact , the breakdown of the oil based spray adjuvants in Parham would be desirable to this end.

With the above amendments and remarks, this application is considered ready for allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to call the undersigned at the below-listed number.

Respectfully submitted,

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